
**DWI Services
POLICIES AND PROCEDURES**

Section:	Community Policy Management	Effective Date:	
Team:	Criminal Justice Innovations	Policy No.	0408
Subject:	Collection of mandated fees for DWI offenders who also meet a target population for IPRS	Revision date :	N/A

Recommended By: Lynn B Jones, LPC, LCAS, Program Manager **Date:** 4-14-08

ed By: _____
Spencer Clark, ACSW, Assistant Chief, Community Policy Management Section **Date:** 4-14-08

Approved By: Flo Stein, Section Chief **Approval Date:** 4-16-08

Purpose: To ensure access to substance abuse services and accountability as directed by DWI law. This policy is specific for individuals who meet a target population group (s) and have a DWI offense.

Scope: Removes any financial barrier that would prevent the individual from beginning services and establishes the protocols for ensuring that the mandated assessment fee and minimum treatment fees are paid by the individual who has an offense of DWI.

Policy Statement: An individual who has a DWI offense and meets a target population for public funding may not be denied services because of their inability to pay, upfront, the mandated assessment fee and treatment fee for DWI offenders. DWI offenders are mandated to pay 100.00 for the assessment and a minimum of 75.00 for treatment services in accordance with 122C-142.1 (f). These fees must be collected before the substance abuse services are completed and the DMH 508R Certificate of Completion is forwarded to the state to allow an individual to be considered for reinstatement of the drivers' license. This policy should be shared in writing with the individual upon initiation of services.

Enforcement: Program reviews by the Accountability Team; Monitoring of the web-based E508 system by DWI Services. E508s verify completion of substance abuse services and payment of mandated fees.

Exceptions: None

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Statutory Reference: 122C-142.1 Substance abuse services for those convicted of driving while impaired or driving while less than 21 years old after consuming alcohol or drugs.

- (a) Services. - An area authority shall provide, directly or by contract, the substance abuse services needed by a person to obtain a certificate of completion required under G.S. 20-17.6 as a condition for the restoration of a drivers license. ..

(f) **(See note for effective date)** Fees. – A person who has a substance abuse assessment conducted for the purpose of obtaining a certificate of completion shall pay to the assessing agency a fee of one hundred dollars (\$100). A person shall pay to a school a fee of one hundred sixty dollars (\$160.00). A person shall pay to a treatment facility a fee of seventy-five dollars (\$75.00). If the defendant is treated by an area mental health facility, G.S. 122C-146 applies after receipt of the seventy-five dollar (\$75.00) fee.

A facility that provides to a person who is required to obtain a certificate of completion a substance abuse assessment, an ADET school, or a substance abuse treatment program may require the person to pay a fee required by this subsection before it issues a certificate of completion. As stated in G.S. 122C-146, however, an area facility may not deny a service to a person because the person is unable to pay.

f1) Multiple Assessments. – If a person has more than one offense for which a certificate of completion is required under G.S. 20-17.6, the person shall pay the assessment fee required under subsection (f) of this section for each certificate of completion required. However, the facility shall conduct only one substance abuse assessment and recommend only one ADET school or treatment program for all certificates of completion required at that time, and the person shall pay the fee required under subsection (f) of this section for only one school or treatment program.

122C-146. (Effective July 1, 2008) Uniform co-payment schedule.

(a) The LME and its contractual provider agencies shall implement the co-payment schedule based on family income adopted by the Secretary under G.S. 122C-112.1(a)(34). The LME is responsible for determining the applicability of the co-payment to individuals authorized by the LME to receive services. An LME that provides services and its contractual provider agencies shall also make every reasonable effort to collect appropriate reimbursement for costs in providing these services from individuals or entities able to pay, including insurance and third-party payments. However, no individual may be refused services because of an inability to pay.